

## LABOUR DEPARTMENT

The 5th October, 1984

No. 9/5/84-6Lab/6580.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Perfection Turno Engineering, 14/4, Mathura Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,  
FARIDABAD

Reference No. 116 of 1984

*between*

SHRI AKRAM, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S PERFECTION  
TURNO ENGINEERING, 14/4, MATHURA ROAD, FARIDABAD

*Present:—*

Shri H. P. Singh, for the workman.

Shri G. S. Chaudhary, for the respondent.

## AWARD

This reference No. 116 of 1984 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/21992-97, dated 31st May, 1984 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Akram workman and the respondent-management of M/s. Perfection Turno Engineering, 14/4, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Akram was justified and in order ? If not, to what relief is he entitled ?

The representative of the respondent-management has stated that the workman has submitted his resignation to the management which is Ex-M-1 and received Rs 1500 in full and final payment of his accounts. The workman has also no right of reinstatement/re-employment.

In view of the statement of the representative of the management, the dispute has been fully settled and there is no dispute between the parties. The award is given accordingly.

R. N. SINGAL,

Presiding Officer,

Labour Court, Faridabad.

Dated the 5th September, 1984.

Endst. No. 1941, dated the 11th September, 1984

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,

Labour Court, Faridabad.

No. 9/5/84-6Lab/6584.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of (i) M/s Sun Beam Industries, Gurgaon, (ii) M/s Sundos Industries, Gurgaon.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,  
FARIDABAD

Reference No. 276 of 1983

*between*

SHRI BALI RAM YADAV, WORKMAN AND THE RESPONDENT-MANAGEMENT  
OF (i) M/S. SUN BEAM INDUSTRIES, GURGAON. (ii) M/S SUNDAS INDUSTRIES,  
GURGAON.

*Present :*

Shri Bali Ram workman in person.

Shri M. P. Gupta, for the management.

**AWARD**

This reference has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/GGN/127/83/46955-61, dated 12th September, 1983 under section 10(1) (c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Bali Ram Yadav, workman and the respondent-management of (i) M/s. Sun Beam Industries, Gurgaon, (ii) M/s Sundas Industries, Gurgaon. The term of the reference was :—

- Whether the termination of services of Shri Bali Ram Yadav was justified and in order ? If not, to what relief is he entitled ?

The representative of the management has stated that the workman has settled his dispute with the respondent,—*vide* settlement Ex.M-1 and received Rs 5,500.80 Paise before the Deputy Labour Commissioner, Sonepat,—*vide* receipt Ex. M-2. He has also no right of re-instatement/employment.

In view of the statement of the representative of the management, the dispute has been fully settled and there is no dispute between the parties.

R. N. SINGAL,

Dated the 5th September, 1984.

Presiding Officer,  
Labour Court, Faridabad.

Endst. No. 1947, dated the 11th September, 1984

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,  
Labour Court, Faridabad.

The 30th October 1984

No. 9/5/84-6 Lab/7142.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Capital Laboratories, D-15, Industrial Area, Sonepat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 141 of 82

*between*

SHRI KRISHAN LAL-II, WORKMAN AND THE MANAGEMENT OF M/S CAPITAL  
LABORATORIES, D-15, INDUSTRIAL AREA, SONEPAT

*Present :*

Shri R. S. Lakra, A. R. for the workman.

Shri Rajinder Singh, A. R. for the management.

254  
AWARD

1. An industrial dispute formulated below, having arisen between the workman Shri Krishan Lal-II, and the management of M/s Capital Laboratories, D-15, Industrial Area, Sonepat, the Governor of Haryana, referred the same to this Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, for adjudication,—*vide* Labour Department Notification No. ID/SPT/81/82/34041, dated 21st July, 1982 :—

Whether the termination of services of Shri Krishan Lal-II was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was employed with the management for the last more than 11 months as a helper on monthly wages of Rs. 323/- and that the respondent used to obtain his signatures in the wage register showing payment of inflated wages which was resented by the workman, which angered the respondent, who terminated his service on 26th April, 1982 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent/management he has alleged that the workman was never in his employment and that the provisions of the Industrial Disputes Act, 1947 are not applicable upon the respondent. On these various grounds he has prayed for the dismissal of the reference.

4. On the pleadings of the parties, the following issues were settled for decision on 17th February, 1983 :—

- (1) Whether there exist relationship of master and servant between the parties ? If so, to what effect ?
- (2) Whether this Court has no jurisdiction to try the present reference as per reason given in para 2 of preliminary objection ?
- (3) Whether the termination of service of Shri Krishan Lal-II was justified and in order ? If not, to what relief is he entitled ?

5. After framing of the issues, the management entered upon its evidence but before the same could be concluded, the parties arrived at a settlement, where under the workman has been paid a sum of Rs. 500/- in full and final settlement of his claim. This amount has been paid to the workman, *vide* receipt photo copy which is mark "X". So now no dispute survives for adjudication. The reference is answered and returned accordingly. There is no order as to costs.

B. P. JINDAL,

Dated the 3rd September, 1984.  
Presiding Officer,  
Labour Court, Rohtak,  
Camp Court, Sonepat.

Endst. No. 141/82/3276, dated the 1st October, 1984

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,  
Presiding Officer,  
Labour Court, Rohtak,  
Camp Court, Sonepat.

No. 9/5/84-6 Lab/7143.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Hindustan Pottery Industries, Industrial Area, Bahadurgarh.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 133 of 82

*between*

SHRI JAGESHWAR, WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN POTTERY INDUSTRIES, INDUSTRIAL AREA, BAHADURGARH

Present :

Shri K. D. Mandal, A.R. for the workman.

Shri M.M. Kaushal, A.R. for the management.

## AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Jageshwar and the management of M/s Hindustan Pottery Industries, Industrial Area, Bahadurgarh, to this Court, for adjudication,—*vide* Labour Department Gazette Notification No. ID/RTK/90/82/32803, dated 9th July, 1982 :—

Whether the termination of services of Shri Jageshwar was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was a permanent employee of the respondent on monthly wages of Rs. 285/- in the general section and the workman was an active unionist, so the management was piqued against him and as such his services were terminated on 15th February, 1982 unlawfully in flagrant disregard of the Industrial Disputes Act, 1947. As the file has been put up before me, it does not contain any reply/written statement of the management. There is an order, dated 28th September, 1982, not signed by the Presiding Officer that workman is not present and *ex parte* proceedings order has been passed against him and the case was fixed for *ex parte* evidence of the management.

3. Since the case is being decided on grounds other than merits. I need not go into the circumstances under which no reply or written statement was obtained from the management. The same happily ended in a settlement between the parties, photo copy of the settlement is Ex. "X", whereby the claim of the workman has been fully satisfied. In that behalf Authorised Representative of the workman Shri K. D. Mandal in the Court today made a statement that the workman is no more interested in prosecution of the reference. So, this reference is answered and returned accordingly. There is no order as to costs.

Dated the 19th September, 1984.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak,  
Camp Court, Bahadurgarh.

Endst. No. 133/82/3275, dated 1st October, 1984

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak,  
Camp Court, Banadurgarh.

No. 9/5/84-6 Lab/7144.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Sub-Divisional Engineer, Jui Mechanical Sub-Division, Bhiwani.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 157 of 81

*between*

SHRI KHAZAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S SUB-DIVISIONAL ENGINEER, JUI MECHANICAL SUB-DIVISION, BHIWANI .

*Present :*

Workman in person.

Shri S. P. Goel, Junior Engineer, for the management.

253  
AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Khazan Singh and the management of the Sub-Divisional Engineer, Jui Mechanical Sub-Division, Bhiwani, to this Court, for adjudication,—*vide* Labour Department Notification No. ID/HSR/80-81/59729, dated 14th December, 1981 :—

Whether the termination of service of Shri Khazan Singh was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was employed with the respondent as T-Mate since 7th January, 1972 and that his services were terminated unlawfully on 4th June, 1980 after giving a complete go-bye to the provisions enshrined in the Industrial Disputes Act, 1947.

3. A detailed reply was failed by the respondent controverting various allegations made by the claimant/petitioner. I need not discuss the pleas put forth by the respondent, because this reference is being decided on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision on 7th October, 1982 :—

- (1) Whether the respondent is not an Industry ?
- (2) Whether the reference is bad in law for non-joinder of the necessary parties ?
- (3) Whether the workman relinquished his job voluntarily ? If so, to what effect ?
- (4) Whether the workman is not covered under the term given in section 2(s) of the Industrial Disputes Act ?
- (5) Whether the reference is illegal and void *ab initio* as per reason given in para 2 of the preliminary objection ?
- (6) Whether the claim statement requires to be verified under the Industrial Disputes Act or the rules framed thereunder.
- (7) Whether the termination of services of Shri Khazan Singh was justified and in order ? If not, to what relief is he entitled ?

5. Before the parties could adduce any evidence on merits happily, a settlement was arrived at where-under the workman has been reinstated by the respondent with continuity of service but without back wages. In that behalf, the workman has made a statement in the Court. So, no dispute survives for adjudication. This reference is answered and returned accordingly. There is no order as to costs.

Dated the 18th September, 1984.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.

Endst. No. 157/81/3272, dated the 1st October, 1984.

Forwarded (two copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,  
Presiding Officer,  
Labour Court, Rohtak.

No. 9/5/84-6Lab./7145.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of the Administrator Municipality Loharu, Bhiwani :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 158 of 81

*between*

SHRI RAM SARUP, WORKMAN AND THE MANAGEMENT OF THE ADMINISTRATOR MUNICIPALITY LOHARU, BHIWANI.

Present :—Shri S. S. Gupta, A. R. for the workman.

Shri Ram Sarup, Head Clerk for the management.

## AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between workman Shri Ram Sarup and the management of the Administrator Municipality Lyharu, Bhiwani, to this court, for adjudication,—*vide* Labour Department Gazette Notification No. ID/HSR/79/81/59736, dated the 14th December, 1981 :—

Whether the termination of service of Shri Ram Sarup was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was an employee of the respondent for the last 28 years and was working as an Octroi and Tax Superintendent and that his services were terminated on 7th July, 1980 on the ground that the post of Tax Superintendent has since been abolished and that the termination of services of the workman is illegal and unjustified and against the provisions of the Industrial Disputes Act, 1947. Though no written statement was filed by the management, even then my learned predecessor Shri I. S. Dhull choose to frame the following issue on 2nd March, 1983 :—

Whether the termination of service of Shri Ram-Sarup was justified and in order ? if not, to what relief is he entitled ?

3. Before any evidence could be adduced, Shri Ram Sarup, Head Clerk of the respondent made a statement that the workman was taken back on duty on 2nd October, 1983, but he has since died. In this situation the learned authorised representative of the workman also made a statement that now on dispute services for adjudication. So this reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.  
(Camp Court, Bhiwani)

Endst. No. 158-81/3259, dated 1st October, 1984.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.  
(Camp Court, Bhiwani)

No. 9/5/84-6Lab/7146.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of the Executive Engineer, Irrigation Division, Bhiwani :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 15 of 82

*between*

SHRI BALWAN SINGH, WORKMAN AND THE MANAGEMENT OF THE  
EXECUTIVE ENGINEER, IRRIGATION DIVISION, BHIWANI

*Present.*—

Shri Bhale Ram, A. R. for the workman.

Shri K. L. Madan, Law Officer, for the management.

## AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman

Shri Balwan Singh and the management of the Executive Engineer, Irrigation Division, Bhiwani, to this Court for adjudication,—*vide Labour Department Gazette Notification No. ID/HSR/111/81/2162, dated 12th January, 1982:*—

Whether the termination of service of Shri Balwan Singh was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was a permanent employee of the respondent department for the last four years and was working as an Oilman but his designation was changed to Beldar despite his protestation and thereafter his services were terminated illegally on 19th June, 1981, in flagrant disregard of provisions of the Industrial Disputes Act, 1947.

3. A detailed reply was filed by the respondent, in which, preliminary objections taken are that the respondent is not an "Industry" as defined in section 2(j) of the Industrial Disputes Act, 1947 and that the reference is bad for non-joinder of proper parties and further more since there is no dispute between the workman and the respondent within the meaning of section 2(a) of the Industrial Disputes Act, 1947, the reference is not maintainable. On merits, it has controverted various allegations made in the claim statement. Since this reference is being decided on grounds other than merits, so, I need not detail the pleas taken by the respondent.

4. Before the issues could be framed, the learned authorised representative for the workman made a statement in the Court that in view of the full bench authority of the Hon'ble High Court of Punjab and Haryana reported in 1984 *Lab. I.C. 1165 Om Parkash v/s. Management of Executive Engineer, S.Y.L. Division No. 7, Canal Colony, Kurukshetra and another*, the Irrigation Department which the respondent has been taken out from the purview of an "Industry" as defined in section 2(j) of the Industrial Disputes Act, 1947, this reference is bad in law. So, in view of the statement made by the learned authorised representative of the workman and the full bench authority referred to above, I find that the respondent department is not an "Industry" and as such, this reference is bad in law. The same is answered and returned accordingly. There is no order as to costs.

B. P. JINDAL,

Dated the 17th September, 1984.

Presiding Officer,  
Labour Court, Rohtak,  
(Camp Court, Bhiwani).

Endorsement No. 15/82/3261, dated 1st October, 1984

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak,  
(Camp Court, Bhiwani)

No. 9/5/84-6Lab/7148.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Sonepat Engineering, Works, Sonepat:—

#### **BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK**

**Reference No. 35 of 80**

*between*

**SHRI RAM PHAL, WORKMAN AND THE MANAGEMENT OF M/S. SONEPAT  
ENGINEERING WORKS, SONEPAT**

*Present :—*

Shri R. S. Lakra, A. R. for the workman.

Shri D. C. Gandhi, A. R. for the management.

#### **AWARD**

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the

workman and the management of M/s Sonepat Engineering Works, Sonepat to this court, for adjudication,—*vide* Labour Department Notification No. ID/SPT/151-79/9803, dated 25th February, 1980:—

Whether the termination of services of Shri Ram Phal was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was employed as Turner with the respondent on monthly wages of Rs. 295 and that the respondent terminated his services unlawfully on 11th July, 1979 in gross violation of the provisions of the Industrial Disputes Act, 1947.

3. The respondent filed a reply repelling the various allegations made in the claim statement.

4. On the pleadings of the parties, the following issue was framed on 9th December, 1980:—

Whether the termination of services of Shri Ram Phal was justified and in order? If not, to what relief is he entitled?

5. Subsequently the respondent absented and *ex parte* proceedings order was passed against him on 22nd September, 1981 which was set aside on application filed by the respondent on 6th November, 1981. Again the respondent absented and *ex parte* proceedings order passed against him on 16th November 1981. The respondent applied for setting aside the *ex parte* proceedings order, which application was dismissed on 3rd December, 1981, and as such my learned predecessor Shri B. L. Dhal rendered an *ex parte* award against the respondent on 29th December, 1981. On application filed by the respondent the *ex parte* award was set aside on 29th September, 1982. Under these circumstances, this reference is before me for disposal. After setting aside of the *ex parte* award, parties adduced some evidence but later on they arrived at an amicable settlement, whereunder the respondent-management agreed to reinstate the workman w. e. f. 7th September, 1984 with continuity of service. On the other hand the workman had agreed to accept a sum of Rs. 5000 in toto in lieu of the entire back wages. He further agreed to receive this amount in three instalments, first and second of Rs. 2000 each and the last one of Rs. 1000 payable on 31st October, 1984, 31st December, 1984 and 31st January, 1985, respectively. In case the management failed to pay these instalments to the workman by the stipulated date, the workman is awarded wages for the entire back period. The workman shall not leave employment of the respondent till 31st January, 1985 in terms of the settlement. In case he leaves the employment of the management before 31st January, 1985, he shall forfeit their right to receive the instalments falling due thereafter. In terms of the settlement, no dispute award is given. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 5th September, 1984.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.

Endorsement No. 35-80/3238, dated the 5th October, 1984.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,  
Presiding Officer,  
Labour Court, Rohtak.

No. 9/5/84-6Lab/7151.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Hissar Textile Mills, Hissar:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 210 of 1983

*between*

SHRI RAJA PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S HISSAR  
TEXTILE MILLS, HISSAR

Present :—

Shri T. C. Gupta, A. R. for the workman.

Shri S. C. Jain, Liv Officer for the management.

## AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman and the management of M/s. Hissar Textile Mills, Hissar, to this Court for adjudication,—*vide* Labour Department Notification No. 58945-49, dated 10th November, 1983 :—

Whether the termination of service of Shri Raja Parshad, was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was in the employment of the respondent since 4th April, 1969 as a winder and he remained on medical leave from 17th November, 1982 to 9th November, 1983 and when he returned from medical leave he was not allowed to resume his duties on 10th November, 1983 and that his services were terminated without holding any enquiry and in flagrant disregard of the Industrial Disputes Act, 1947.

3. A detailed reply was filed by the respondent controverting the claim of the workman. I need not detail the pleas taken because this reference is being answered on grounds other than merits.

4. Before the issues could be framed, the parties settled their claim, whereunder, workman has settled his claim with the management. In that behalf he has filed settlement Ex. X-1, and affidavit Ex. X-2. So, no dispute survives for adjudication. So, this reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak,  
(Camp Court, Hissar),

Dated the 11th September, 1984.

Endorsement No. 210/83/3248, dated the 1st October, 1984.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,  
Presiding Officer,  
Labour Court, Rohtak.  
(Camp Court, Hissar).

No. 9/5/84-6 Lab/7152.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and management of M/s Hissar Textile Mills, Hissar :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 216 of 1983

*between*

SHRI SHYAM LAL, WORKMAN AND THE MANAGEMENT OF M/S HISSAR  
TEXTILE MILLS, HISSAR.

Present :—

Shri T.C. Gupta, A.R. for the workman.

Shri N.K. Garg, Law Officer of the management.

Shri S.C. Jain, Law Officer of the management.

## AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman and the management of M/s. Hissar Textile Mills, Hissar, to this Court, for adjudication,—*vide* Labour Department Notification No. 58981-85, dated 10th November, 1983.

Whether the termination of services of Shri Shyam Lal was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he is in the employment of the respondent for the last 12 years, in frame A-III of the mills on monthly wages of Rs. 650 but the services of the workman were terminated on 3rd May, 1983 without holding any valid enquiry and in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. A detailed reply was filed by the respondent controverting the various allegations made in the claim statement.

4. Before the issues could be framed or a rejoinder by the workman could be filed, dispute was settled amicably between the parties, whereunder the claim of the workman has been fully satisfied. Statement of the authorised representative of the workman has been made in the Court. The settlement is Ex-X-1. In view of the settlement between the parties, no dispute survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 11th September, 1984.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.  
(Camp Court, Hissar)

Endst. No. 216/83/3249, dated the 1st October 1984

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.  
(Camp Court, Hissar)

No. 9/5/84-6Lab/7153.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Hissar Textile Mills, Hissar:—

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 214 of 83

*between*

SHRI DESH RAJ, WORKMAN AND THE MANAGEMENT OF M/S HISSAR  
TEXTILE MILLS, HISSAR

Present :—

Shri Govind Ram, A.R. for the workman.

Shri N. K. Garg, Law Officer for the management.

#### AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman and the management of M/s Hissar Textile Mills, Hissar to this Court, for adjudication,—*vide* Labour Department Notifications No. 58969-73, dated 10th November, 1983:—

Whether the termination of service of Shri Desh Raj was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was employed with the respondent for the last six years as a substitute on monthly wages of Rs 600 and that on 23rd March, 1983, he was served with a charge-sheet, to which, he sent a reply on 26th March, 1983 and that his services were terminated on 3rd May, 1983 illegally without prior notice or payment of any retrenchment compensation as envisaged under section 25F of the Industrial Disputes Act, 1947.

257

Before reply could be filed by the respondent, the parties settled the dispute amicably, whereunder the workman has been paid in full and final settlement of his claim,—*vide* settlement Exhibit X-1, so no dispute survives for adjudication. The reference is answered and returned accordingly. There is no order as to costs.

Dated, the 11th September, 1984.

B. P. JINDAL,  
Presiding Officer,  
Labour Court, Rohtak.

Endst. No. 214/83/8251, dated 1st October, 1984.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.

No. 9/5/84-6Lab/7154.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Haryana Veterinary Vaccine Institute, Hissar

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,  
ROHTAK

Reference No. 127 of 1982

*between*

SHRI AMIR SINGH, WORKMAN AND THE MANAGEMENT OF M/S HARYANA  
VETERINARY VACCINE INSTITUTE, HISSAR

Present :—

Shri T. C. Gupta, A. R. for the workman

Shri Jagan Nath, Asst. for the management,

#### AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Amir Singh and the management of M/s. Haryana Veterinary Vaccine Institute, Hissar, to this Court, for adjudication,—*vide* Labour Department Gazette Notification No. ID/HSR/20/82/28318, dated 23rd June, 1982:—

Whether the termination of service of Shri Amir Singh was justified and in order ?  
If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was appointed as Laboratory Attendant on 17th June, 1980 and worked as such upto 31st October, 1981, on which date his services were terminated by management illegally without complying with the provisions of the Industrial Disputes Act, 1947.

3. A detailed reply was filed by the respondent, in which the claim of the workman was controverted.

4. Before the issues could be framed, the learned Authorised Representative for the workman Shri T. C. Gupta made a statement that the workman has been reinstated by the respondent, but without back wages. In terms of the settlement, photo copy of which is Ex P. X, the workman has been reinstated by the management without back wages and the period after termination till he resumes his duties, shall be treated as without wages. Now, no dispute survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.  
Camp Conrt, Hissar,

Dated the 12th September, 1984.

Endorsement No. 127-82/3252, dated the 1st October, 1984.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the I. D. Act, 1947.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.  
Camp Court, Hissar.

No. 9/5/84-Lab/7156.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. (i) The Secretary, H.S.E.B., Chandigarh (ii) Executive Engineer, H.S.E.B., Operations, Narwana.

**BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,  
ROHTAK**

Reference No. 66 of 83

*between*

**SHRI HAWA SINGH, WORKMAN AND THE MANAGEMENT OF M/S. (I) THE  
SECRETARY, H.S.E.B. CHANDIGARH (II) EXECUTIVE ENGINEER H.S.E.B.,  
OPERATIONS, NARWANA.**

*Present.—*

Workman in Person.

Shri N. P. Singh, A. R., for the management.

**AWARD**

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman and the management of M/s. (i) The Secretary, H.S.E.B. Chandigarh, (ii) Executive Engineer, H.S.E.B. Operations, Narwana, to this Court, for adjudication,—*vide* Labour Department Notification No. ID/RTK/33-83/26203, dated 7th June, 1983 :—

**Whether the termination of services of Shri Hawa Singh, was justified and in order ? If not, to what relief is he entitled ?**

2. On receipt of order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was employed as T-Mate with the respondent in the year 1979 and his monthly wages were Rs. 600 and that his services were terminated unlawfully on 25th December, 1982 and was taken back on work on 28th February, 1983, but was not paid wages for the period 25th December, 1982 to 28th February, 1983 and that he filed proper proceedings before the authority under the Payment of Wages Act and decree was passed on 15th February, 1984. Now he has prayed that decree under the Payment of Wages Act be passed in this favour.

3. On 14th August 1984 the workman was present but thereafter he absented. Furthermore order of reference reveals that the service of the workman were terminated by the respondent and adjudication is sought from this Court as to whether the termination was justified or not. This order of reference runs counter to the claim statement filed by the workman in the Court. It is nowhere alleged that the services of the workman were terminated by the respondent. So in my opinion, the reference is bad in law. The same is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Dated the 5th September, 1984.

Presiding Officer,  
Labour Court, Rohtak,

245

---

Endst. No. 66-83/3239, dated 1st October, 1984

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.

No. 9/5/84-6Lab/7157.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. The Technological Institute of Textile Bhiwani.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,  
ROHTAK

Reference No. 155 of 83

*between*

SHRI MITHAI LAL, WORKMAN AND THE MANAGEMENT OF M/S. THE TECHNOLOGICAL INSTITUTE OF TEXTILE BHIVANI

*Present.—*

None for the workman.

Shri N. M. Jain, Factory Manager, for the management.

#### AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman and the management of M/s. The Technological Institute of Textiles Bhiwani, to this Court, for adjudication,—*vide* Labour Department Notification No. ID/BHN/3-83/48937—42, dated 19th September, 1983 :—

Whether the termination of services of Shri Mithai Lal, was justified and in order ?  
If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notices were issued to the parties. The parties appeared. The workman alleged that he was employed as Machinist with the respondent on 25th February, 1975, but his services were terminated illegally on 9th March, 1981 without holding valid and proper enquiry and flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. A detailed reply was filed by the respondent. I need not go into the same, because this reference is being decided on grounds other than merits. Before the issues could be framed, the management alleged settlement and placed a copy of the same on record. Thereunder, the workman submitted his resignation to the respondent and the management paid him a sum of Rs 962.86 P. in full and final satisfaction of his claim. To verify the veracity of the settlement, the learned Authorised Representative of the workman was asked to produce the workman in the Court but his learned Authorised representative failed to produce him. Subsequently learned Authorised Representative of the workman also absented. The only inference possible is that the workman has settled his dispute with the management and as such he is not interested in prosecution of the reference. So no dispute award is given. So the reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.

Endst. No. 155-83/3237, dated 1st October, 1984

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,  
Presiding Officer,  
Labour Court, Rohtak.

No. 9/5/84-6Lab/7159.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Executive Engineer, Op. H. S. E. B., Sonepat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,  
ROHTAK

Reference No. 247 of 1983

*between*

SHRI DHARAM PAL, WORKMAN AND THE MANAGEMENT OF M/S EXECUTIVE  
ENGINEER, OP H. S. E. B., SONEPAT.

*Present.—*

None, for the workman.

Shri Prithi Singh, Head Clerk, for the management.

AWARD

1. An industrial dispute formulated below having arisen between the workman and the management of Executive Engineer Op. H. S. E. B., Sonepat, the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of Industrial Disputes Act, 1947, referred the same, to this Court, for adjudication,—*vide* Labour Department Notification No. 61675-80, dated the 23rd November, 1983:—

Whether the termination of services of Shri Dharam Pal was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, usual notices were issued to the parties. The respondent appeared. The workman alleged that he was employed as T/Mate by the management on 23rd December, 1971 in the office of the S. D. O., H. S. E. B., Murthal and thereafter appointed as Telephonist on 26th June, 1972 with the S. S. E. Phazilput and that he fell ill in the month of September, 1976 and remained under treatment till 1st June, 1981 and after prolonged illness, when he approached the respondent to resume his duties, he was told that his services have been terminated and that the termination of service of the workman is illegal and unlawful and against the provisions of the Industrial Dispute Act, 1947.

3. Before reply could be filed by the respondent, efforts were made to effect service upon the workman to procure his presence. For today registered notice was sent to the workman on the address given on the order of reference. There is a report on the envelope that no person in the name of the workman is residing at the address given. There is none else to prosecute this reference. It seems that the workman is not interested in the prosecution of the same. Under these circumstances, I have no option but to order that the workman is not interested in the prosecution of the reference and as such no dispute award is rendered. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak,  
Camp Court, Sonepat.

Dated the 4th September 1984.

Endorsement No. 247-83/3227, dated the 1st October, 1984.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak,  
Camp Court, Sonepat.